

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN DIVISION**

CASE NO.: 1:17-CV-07184

PAUL REIFFER,

Plaintiff,

v.

STANDARD FIDUCIARY CONSULTING
LLC,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff PAUL REIFFER by and through undersigned counsel, brings this Complaint against Defendant STANDARD FIDUCIARY CONSULTING LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff PAUL REIFFER (“Reiffer”), brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Reiffer’s original copyrighted works of authorship.

2. Paul Reiffer is a professional landscape, cityscape and commercial photographer working worldwide. He is a Fellow of the British Institute of Professional Photography, an Associate of the Royal Photographic Society, winner of the UN International Year of Light competition and the owner of the “world’s most exclusive and remote gallery” in the Maldives, which is only accessible by seaplane or speedboat. Reiffer’s images of cityscapes, extreme locations, rooftops, heli-shoots, the arctic circle, and others are highly sought after and he is

routinely commissioned for commercial work. Reiffer's images are scarce as they are created using a Phase One XV iO3/100 100 Megapixel Medium Format digital camera system valued at \$60,000.

3. Defendant STANDARD FIDUCIARY CONSULTING LLC ("SFC") offers fiduciary consulting and governance solutions to clients.

4. Reiffer alleges that Standard Fiduciary Consulting LLC copied Reiffer's copyrighted work from the internet in order to advertise, market and promote its business activities. The Defendant committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the Defendant's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in New York.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Standard Fiduciary Consulting LLC is a Delaware Corporation with its principal place of business at 70 Pine Street, #1204, New York, New York, 10005 , and can be served by

serving its Registered Agent, United States Corporation Agents, Inc. at 300 Delaware Avenue, Suite 210-A, Wilmington, DE 19801.

THE COPYRIGHTED WORK AT ISSUE

10. Reiffer created a photograph which is shown below and referred to herein as the “Work”.



11. Reiffer registered the Work with the Register of Copyrights on May 8, 2017 and was assigned the registration number VA 2-044-620. The Certificate of Registration is attached hereto as Exhibit 1.

12. At all relevant times Reiffer was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

13. The Defendant has never been licensed to use the Work at issue in this action for any purpose.

14. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendant copied the Work.

15. Defendant copied Reiffer's copyrighted Work without Reiffer's permission.

16. After Defendant copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its fiduciary services.

17. Defendant copied and distributed Reiffer's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

18. Reiffer's works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

19. Defendant committed copyright infringement of the Work as evidenced by Exhibit 2.

20. Reiffer never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

21. Reiffer notified the Defendant of the allegations set forth herein on June 22, 2017. A copy of the Notice to the Defendant is attached hereto as Exhibit 3.

22. Defendant responded by threatening Reiffer with legal action. A copy of the Defendant's response is attached hereto as Exhibit 4.

23. Plaintiff has engaged the undersigned attorneys and has agreed to pay them a reasonable fee.

COUNT I
COPYRIGHT INFRINGEMENT

24. Plaintiff incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Reiffer owns a valid copyright in the Work at issue in this case.

26. Reiffer registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. SFC copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Reiffer's authorization in violation of 17 U.S.C. § 501.

28. SFC performed the acts alleged in the course and scope of its business activities.

29. Reiffer has been damaged.

30. The harm caused to Reiffer has been irreparable.

WHEREFORE, the Plaintiff prays for judgment against the Defendant SFC that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;

b. Defendant be required to pay Plaintiff its actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203.

c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon; and

d. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: December 11, 2017

Respectfully submitted,

/s/ Joel B. Rothman

JOEL B. ROTHMAN

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